

REMARKS

Applicants note that a Second Preliminary Amendment was filed on May 8, 2003 and was not considered in the last action. The present amendment amends the claims as presented in the May 8, 2003 amendment. Claims 9, 11-16, and 28-56 remain in this application. Claims 9, 11-16 and 28-36 have been amended and new claims 37-56 added. Claims 7 and 8 and 17-27 have been cancelled without prejudice.

In presenting the new and amended claims, Applicants have tried to insure that the various elements are consistently named. To aid in this regard to following a table showing the name of each element in present claims and corresponding element in Fig. 5 is provided.

FIG. 5	claims 9,11-16,37-56	claims 28-32	claims 33-36
fluorescent cube 12	2nd optical element		
fluorescent light source 14	1st light source		
light source (laser) 509	2nd light source	laser	laser
dichroic mirror 512	3rd optical element	1st optical component	optical element
total reflection prism 16c	1st optical element	2nd optical component	1st prism
total transmission prism 16b	total transmission P		2nd prism

Previously canceled claims 6-10 along with cancelled claims 7 and 8 have been presented as new claims 37-40. In the first Office Action mailed on June 19, 2002, these claims were said to be allowable if they had been rewritten in independent form. Thus, Applicants have written original claim 6-8, 10 in independent form and presented them as new claims 37-40. In rewriting these claims, the optical elements have been named according to the table. Thus, as now presented, these claims are allowable. New claims 41 and 42 depend on claim 37 and should also be allowed.

Claim 9 is amended so that the names of the claimed elements are consistent with the table to make it more clear. Since claim 9 includes, in the last sentence, a feature that the Examiner considered novel in the first Office action, Applicants believe claim 9 is now allowable.

Claim 11 has been written in independent form. The Examiner indicated in the last Office Action that claim 11 would be allowable if rewritten in independent form. Thus, claim 11 should be allowed as should new claim 43 dependent thereon.

Claim 12 has been amended to correctly designate what was previously called the second optical element in the last sentence as the third optical element.. Applicants also followed the Examiner's suggestion and changed "said lens-barrel" to "a lens-barrel" and put "first" or "second" before "image forming lens" for easy understanding. Since claim 12 has a feature in the last sentence that the examiner admitted to be novel, Applicants believe claim 12 is now allowable.

Claim 13, which depends on claim 12, is amended to add "second" in front of "image-forming lens" for easy understanding. Claim 14, which is dependent on claim 12, has been amended to improve its readability. Applicants further amended claims 15 and 16 to make them clearer. Since claims 13-16 are dependent to claim 12, these claims are also now allowable.

Claim 28 is amended to make it clear that the light reflected from the sample is not directed to the ocular lens at all. Therefore when the light reflected from the sample is incident on the second optical component, the light does not reach the ocular lens at all. This feature makes the protection of a user's eye possible. On the other hand, Kawano uses a semi-transparent prism. Thus some part of the light reaches the user's eye through an ocular lens. In this sense, Kawano does not disclose any feature that can protect user's eye. Further, in claim 28, since two optical elements are mounted on a moving frame, the construction of the mechanism is very simple. As a result, it is easy to change the status of the mechanism from permitting the transmission of light to a user's eye to prohibiting it and vice versa. Applicants submit that this simple construction has superiority over Takeuchi. Therefore Applicants believe claim 28 and its dependent claims 29-32 are now allowable over these references. In these claims "optical element" has been changed to "optical component" to bring out differences between these and other claims.

Claim 33 has been amended in a manner similar to claim 28. For the same reasons, Applicants submit that claim 33 and its dependent claim 34-35 are now allowable.

Claim 36 has been amended to overcome the Examiner's objection. Since claim 36 has a feature that the Examiner admitted in the first Office Action to be novel, Applicants believe it is now allowable. Similarly, new claim 37 should be allowed.

New claims 45-56 include a feature the Examiner has recognized to be novel (see claim 41, a second image-forming lens) and should also be allowed.

In view of the above, all claims are now in condition for allowance, prompt notice of which is respectfully solicited.

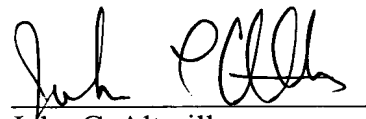
The Examiner is invited to call the undersigned at (202) 220-4200 to discuss any information concerning this application.

Applicants respectfully request a one month Extension of Time to respond to the Office Action of May 8, 2003. The extended period expires September 8, 2003.

The Office is hereby authorized to charge the fee of \$110.00 for a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) and any additional fees under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

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